

May 26, 2015

The regular meeting of the Council of the City of Martinsville, Virginia was held on May 26, 2015 in Council Chambers, Municipal Building at 7:30pm, Closed Session beginning at 7:00pm with Mayor Danny Turner presiding. Council members present: Mayor Danny Turner, Vice Mayor Jennifer Bowles, Council Member Gene Teague, and Council Member Mark Stroud. Absent: Council Member Sharon Brooks Hodge. Staff members present included: City Manager Leon Towarnicki, Assistant City Manager Wayne Knox, City Attorney Eric Monday, Karen Roberts, Police Chief Sean Dunn, and Linda Conover.

Mayor Turner called the meeting to order and advised Council will go into Closed Session. In accordance with Section 2.1-344 (A) of the Code of Virginia (1950, and as amended) and upon motion by Council Member Teague, seconded by Vice Mayor Bowles with the following recorded 4-0 roll-call vote: Mayor Turner, aye; Vice Mayor Bowles, aye; Council Member Teague, aye; Council Member Stroud, aye. Council convened in Closed Session for the purpose of discussing the following matters: A) Appointments to Boards and Commissions as authorized by Subsection 1, B) Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body as authorized by Subsection 29, and C) Consultation with legal counsel and briefings by staff members, attorneys or consultants pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by such counsel, as authorized by Subsection 7. At the conclusion of the Closed Session, each returning member of Council certified that (1) only public business matters exempt from opening meeting requirements were discussed in said Closed Session and (2) only those business matters identified in the motion convening the Closed Session were heard, discussed, or considered during the Session. On a motion by Council Member Teague and seconded by Council Member Stroud with the following 4-0 roll-call recorded vote: Teague, aye; Stroud, aye; Turner, aye; Bowles, aye; Council returned to Open Session.

Council Member Stroud made a motion to replace Lance Heater on the EDC Board with Eric Monday to serve an unexpired term ending June 30, 2017. Vice Mayor Bowles seconded the motion, all present Council Members voted 4-0 in favor.

City Manager Towarnicki explained that a Coalition is being organized to advocate for construction of the I-73 project consisting of the City of Roanoke, Roanoke County, Franklin County, Henry County, and Martinsville. Staff is making the recommendation for Martinsville to participate and the cost to the City will be \$1000/month for the period beginning June 1, 2015 through December, 2016. The other jurisdictions are all participating and will likewise share in the cost. Particular emphasis of the Coalition will be to advocate for construction of the I-73 segment from the Virginia/North Carolina state line to the Route 58 bypass, which

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appears to be the least problematic and least expensive component. Council Member Teague made a motion to participate, Council Member Stroud seconded that motion, and all present Council Members voted 4-0 in favor.

Invocation and Pledge to the American Flag-Council Member Mark Stroud.

Consider approval of minutes: Motion made by Vice Mayor Bowles to approve minutes for April 27, 2015 tour, April 27, 2015 neighborhood meeting, and April 28, 2015 Council meeting, motion seconded by Council Member Teague. All present Council Members voted 4-0 in favor. Minutes for May 12, 2015 were not approved pending revisions.

Recognition of City Employees eligible for Employee Service Awards:

DARLA CRIGGER	Sheriff's Department	10
CHAD RHOADS	Police	15
JEFF JOYCE	Public Works	20
WAYNE KNOX	Assistant City Manager/ Director of Community Development	20
GREG REEVES	Fire Department	20
TONY DAVIS	Public Works	25
STEVE CANNADAY	Central Garage	30
CLYDE JONES	Parks and Recreation	30
RODNEY LEFTWICH	Water Plant	35

Proclamation recognizing June 6-13, 2015 as Paint the Town Purple Week: Proclamation read by Vice Mayor Bowles and presented by Vice Mayor Bowles and Mayor Turner to a Relay for Life Representative.

Public hearing for receiving/interviewing citizens interested in appointment for two three-year positions beginning July 1, 2015 to the City School Board: Eric Monday explained that City code requires that these citizens be registered voters and residents of Martinsville. Their name must be called at this meeting to be considered for the positions. Persons mentioned for consideration for appointment: Joan Montgomery of Corn Tassell Trail, Michael Hendricks of Gates Street, Catina Martin of 1600 Roundabout Road, Carolyn McCraw of 1724 Meadowview Lane who was present at the meeting and asked Council to consider her for a third and final term, Artis Law of 805 Cedar Lane who was present at the meeting, stating she was an active member of church, a tutor at Albert Harris, she has an education in Psychology and would like to be considered for the position, Lawrence Mitchell of 700 Second Street who was present at the meeting said he is a graduate of Martinsville High School and would like to be considered for the position, J.C. Richardson spoke on behalf of Faye Holland requesting that she be considered as a candidate. Interviews will be postponed until all Council Members can be present. City Manager Towarnicki suggested that interviews begin at next Council Closed Session meeting with announcement of new members being made at the last Council meeting in June.

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Public hearing regarding renewal of antenna lease contract for New York Avenue water tank: Antenna equipment is located on a number of tanks throughout the City. AT&T has a five year initial lease and has asked for a 5 year renewal. Mayor Turner opened the floor for comments. J.C. Richardson expressed concern that the tanks were installed in minority neighborhoods, he stated that the citizens have raised concerns regarding the cell towers potential to cause cancer. Council Member Stroud explained that water system runs by gravity and that the New York Ave tank is one of the highest spots in the City which is what cell companies prefer. City Manager Towarnicki explained that it would be difficult to find another elevated area to relocate the New York Ave tank. He stated that towers installed on these water tanks are a revenue source, providing the City about \$30,000 per year from the New York Avenue tank alone. The tank is well maintained and waves from the cell towers transmit horizontally and would not pose a hazard to residents. Vice Mayor Bowles asked the City to look for other areas to potentially relocate the tower. City Manager Towarnicki explained that the highest spot in the neighborhood aside from New York Avenue would be around Albert Harris School. City Attorney Monday explained that the decision would not need to be voted on tonight if Council wants to look at relocation. Ruth Easley, Commissioner of Revenue said the towers are public service equipment and are taxed. Vice Mayor Bowles questioned adverse health effects from these towers. City Manager Towarnicki explained there is no concern of health effects unless you are in close proximity of the tower for an extended length of time. Council Member Teague stated that research can be found to support both the pros and cons of the health effects of cell phone towers.

Public hearing regarding antenna lease for Martinsville Industrial Park water tank: City Manager Towarnicki said T-Mobile has made a request to install new antenna equipment on the Industrial Park water tank. Verizon already has equipment on tower. Installation of this new equipment would generate \$2,000 per month revenue for the City and T-Mobile would also be utilizing the MINet fiber optic system as well. Public hearing is not required but he feels that the public should be made aware in an effort to share information in case they have questions. With no objection, the City will proceed with both lease contracts at New York Avenue and Martinsville Industrial Park.

Authorization of refund resulting from verification update of estimated BPOL Tax for a local business for tax year 2014: City Manager Towarnicki asked for authorization of refund. Council Member Teague made a motion for an \$11,001.34 refund, Vice Mayor Bowles seconded the motion, all present Council Members voted 4-0 in favor of the refund.

Approval of resolution regarding Virginia Retirement System: City Manager Towarnicki requested approval of VRS resolution confirming the City's decision to implement the final 2% of the required 5% employee contribution. Vice Mayor Bowles made motion to adopt the

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resolution, Council Member Teague seconded the motion, all present Council Members voted 4-0 in favor of the VRS resolution.

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the City of Martinsville [Political Subdivision Name] in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the City of Martinsville [Political Subdivision Name] under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the City of Martinsville [Political Subdivision Name] directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the City of Martinsville [Political Subdivision Name] shall be reduced by the amount of member contributions picked up by the City of Martinsville [Political Subdivision Name] on behalf of such employee pursuant to the foregoing resolutions; and

BE IT FURTHER RESOLVED, that no salary increases provided solely to offset the cost of required member contributions to the Virginia Retirement System under § 51.1-144 of the Code of Virginia will be used to certify that any salary increases required by the Appropriation Act have been provided.

NOW, THEREFORE, the officers are hereby authorized and directed in the name of the City of Martinsville [Political Subdivision Name] to carry out the provisions of this resolution, and said officers are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the City of Martinsville [Political Subdivision Name] for this purpose.

Ray J. Smith
Governing Body Chairman

CERTIFICATE

I, Leon Towarnicki, Deputy Clerk [Title, e.g. Clerk, Secretary] of the CITY OF MARTINSVILLE [Political Subdivision Name], certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the MARTINSVILLE City Council [Political Subdivision Name] held at MARTINSVILLE, Virginia at 7:30 pm o'clock on MAY 26, 2015. Given under my hand and seal of the CITY OF MARTINSVILLE [Political Subdivision Name] this 28 day of MAY, 2015.

Leon Towarnicki
Deputy Clerk

This resolution must be passed prior to July 1, 2015 and received by VRS no later than July 10, 2015.

Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

Resolution

WHEREAS, the City of Martinsville [Political Subdivision Name] 55223 [employer code] employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the City of Martinsville [Political Subdivision Name] employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the City of Martinsville [Political Subdivision Name] may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2015, to each such employee in service on June 30, 2015, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the percentage increase of the member contribution paid by such pursuant to this resolution. (For example, if the member contribution paid by the employee increases from two to three percent pursuant to this resolution, the employee must receive a one percent increase in creditable compensation.)

BE IT THEREFORE RESOLVED, that the City of Martinsville [Political Subdivision Name] does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2015:

PLAN 1		Percent	PLAN 2		Percent
Employer Paid Member Contribution	0	%	Employer Paid Member Contribution	0	%
Employee Paid Member Contribution	5	%	Employee Paid Member Contribution	5	%
Total	5	%	Total	5	%

(Note: Each column must add up to 5 percent.); and

Finance report: Linda Conover presented the FY15 Revenues and Expenditures, Combined Balance Sheet and Fund Balance information.

Approval of consent agenda: Council Member Teague mad a motion to approve the consent agenda, Vice Mayor Bowles seconded the motion, all present Council Members voted 4-0 in favor to approve the consent agenda.

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BUDGET ADDITIONS FOR 5/26/15				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY15				
General Fund:				
01100909	490104	Advance/Recovered Costs		625
01321102	506130	Fire Dept. - Repair & Maint.-Burn Building	625	
		Reimbursements for training supplies		
01100909	490104	Advance/Recovered Costs		2,125
01331108	501300	Sheriff/Corrections - Part-time & Temporary Wages	1,580	
01331108	502100	Sheriff/Corrections - Social Security	98	
01331108	502110	Sheriff/Corrections - Medicare	23	
01331108	506008	Sheriff/Corrections - Vehicle Equipment & Maint.	316	
01331110	506200	Sheriff/Annex - Prisoner Allowance	108	
		Reimbursement from Henry County for litter pickup-April		
01102926	436401	Categorical - Federal - Confiscated Assets - Police		10,519
01311085	506079	Police - Federal Asset Forfeitures	10,519	
		Receipts - Feb, Mar, May		
01100909	490104	Advance/Recovered Costs		830
01331108	506061	Sheriff Corrections - Weapons/Ammunition	830	
		Sale of Ammo to Patrick Co. Sheriff's Dept.		
01100908	482901	Miscellaneous Unclassified Revenue		207
01217078	506011	Sheriff - Courts - Uniforms & Apparel	207	
		Recovered cost of hats		
01101917	442810	Categorical Other - State - Highway Projects		52,722
01413145	503185	Street Maint - Prof. Service - Resurfacing	52,722	
		Reimbursement - Paving		
Total General Fund:			67,028	67,028
CDBG Fund:				
47102926	447047	Categorical Federal - Uptown Revitalization Program		3,435
47823521	506324	Uptown - Commercial Rehab - Façade Improvements	3,295	
47823521	506322	Uptown - Commercial Rehab - Const/Gateway Improve.	140	
		Project drawdown #20		
47102926	447047	Categorical Federal - Uptown Revitalization Program		50,209
47823521	506324	Uptown - Commercial Rehab - Façade Improvements	4,500	
47823521	503140	Uptown - Commercial Rehab - Prof.Serv.-Eng/Arch.	23,084	
47823521	506322	Uptown - Commercial Rehab - Const/Gateway Improve.	22,625	
		Project drawdown #15		
47103919	443136	Private Grant - Phoenix Façade Program		2,860
47823521	506325	Uptown - Phoenix Façade Program	2,860	
		Proceeds received 12/14		
Total CDBG Fund:			56,504	56,504

Business from the Floor:

Dr. Tom Marshall, Auburn Place – expressed concern of fluoridation program and hopes that the program can be discussed in depth at an upcoming work session. Mayor Turner asked that the fluoridation program discussion be added to the next agenda. Council Member Teague requested ample time to advertise so citizens have time to research and voice opinions, he asked that the Health Department be invited to participate and asked that the Health Department and DEQ provide recommendations.

Eric Monday – as a Trustee of Carlisle School, he wanted to recognize Carlisle on the Best of Virginia Awards and stated that Carlisle School had been named the #1 Independent School in Southwest Virginia. In addition, he stated that the Carlisle golf team had been named champion more than twelve times and the school graduated 41 students this year, all of which are college bound. Carlisle, as an independent school is an asset to the community.

Comments by members of City Council:

Council Member Stroud - apologized that he was unable to participate by phone at the previous meeting following his surgery but he was glad to be healthy enough to return to tonight's meeting.

Council Member Teague – will be traveling to Richmond Thursday for a legislative committee meeting which will involve discussion on unmanned aerial vehicles, Teague requested to discuss this option with Chief Dunn after the meeting.

Vice Mayor Bowles – would like to inform all citizens that Council Members emails and contact information is public information, she requested citizens to contact council members when they have questions or concerns.

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Comments by City Manager:

City Manager Towarnicki - strategic planning meeting was held late March, now that Council is through with budget it's time to get back to the strategic planning components that were not completed at the previous meeting. There will be a joint session with the schools this summer. He stated that he would be in touch with Council Members schedule the work sessions which would probably be held during the day.

Mayor Turner wanted to remind the public of the Martinsville Mustangs opening day Wednesday, May 27, 2015. He wanted to thank everyone who participated in the dedication of flagpole at People's Cemetery, stating he was pleased with the turnout.

There being no further business, Vice Mayor Bowles made a motion to adjourn the meeting at 8:38pm, Council Member Stroud seconded the motion, all present Council Members voted 4-0 in favor.

Leon Towarnicki
Deputy Clerk of Council

Danny Turner
Mayor